

WALTER KOELZ

JULY 1, 1952.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. WALTER, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1454]

The Committee on the Judiciary, to whom was referred the bill (S. 1454) for the relief of Walter Koelz, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to inadmissibility of immigrants suffering from feeble-mindedness or a mental disability. The bill provides for the posting of a suitable bond as a guaranty against the alien becoming a public charge.

GENERAL INFORMATION

The beneficiary of the bill is a 37-year-old native and citizen of Germany whose father and mother are citizens of the United States. The parents were admitted to the United States in 1930 and were naturalized in 1935. They tried to obtain a visa for their son when they first came to this country and subsequently applied again but their applications were refused on both occasions. The beneficiary of the bill has been diagnosed as being mentally deficient and that he is afflicted with a constitutional weakness of mind. He has never been confined in an institution and his parents have made annual visits to Germany to see their son. The parents appear to be well able to provide for him and without the waiver provided for in the bill he will be unable to join his citizen parents in this country.

A letter dated August 24, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

WALTER KOELZ

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, August 24, 1951.

Hon. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 1454) for the relief of Walter Koelz, an alien.

The bill would provide that, notwithstanding the provisions of the first and ninth categories of section 3 of the Immigration Act of 1917, as amended, Walter Koelz may be admitted to the United States for permanent residence provided that he is found otherwise admissible under the provisions of the immigration laws and provided further that there be given a bond guaranteeing that he will not become a public charge.

The files of the Immigration and Naturalization Service of this Department disclose that Walter Koelz is a native and citizen of Germany, having been born on July 7, 1914, in Crailsheim, Wertenberg, Germany. He is the son of Mr. and Mrs. Gottlieb Koelz, who arrived in the United States from Germany on March 22, 1930, at which time they were admitted for permanent residence. Subsequently, on July 8, 1935, Mr. and Mrs. Koelz were admitted to United States citizenship in the United States District Court, Philadelphia, Pa. Prior to embarking for this country, Mr. and Mrs. Koelz applied on March 15, 1929, for an immigration visa on behalf of their son, the beneficiary of the instant bill. This application was refused on the ground that Walter Koelz was inadmissible to the United States under section 3 of the Immigration Act of 1917 in that he was mentally deficient. Another application for a quota immigration visa under section 6 (a) (2) of the Immigration Act of 1924, submitted on February 27, 1934, was refused for similar reasons. A medical certificate, dated July 22, 1948, and signed by Prof. Dr. H. Schulte, director of the Municipal Nerve Clinic, Bremen, Germany, indicated that Walter Koelz has a condition of constitutional weakness of mind (so-called imbecility).

The alien is presently residing with his aunt and uncle in Hamburg, Germany. He attended public school until his fifteenth birthday, after which he became an apprentice in a cabinetmaking shop of his uncle's. He is, at the present time, employed as a cabinet maker in his uncle's shop, where he receives a salary from which he pays for his room and board at the home of his aunt and uncle. In March 1944, he was conscripted into the German Army and was medically discharged in December 1944, with a bladder condition. He has never been an inmate of an institution or hospital. His father and mother, presently on one of their annual visits with their son in Germany, reside in Philadelphia, Pa., where Mr. Koelz is a partner in the Laneko Engineering Co., a tool and dye manufacturing company. It appears that his portion in the business is worth about \$47,000. He also owns real estate and bonds.

The first category of section 3 of the Immigration Act of 1917 excludes from admission to the United States all idiots, imbeciles, feeble-minded persons and insane persons; the ninth category concerns persons who are found to be, and certified by the examining surgeon as being, mentally or physically deficient, such physical defects being of a nature which may affect the ability of such alien to earn a living. Therefore, without the benefit of special legislation, the alien may not be permitted to enter this country to join his United States citizen parents.

Whether, under the circumstances in this case, the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which this Department prefers not to make any recommendation.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Senator Edward Martin, the author of the bill, has submitted the following information in support of the bill:

UNITED STATES SENATE,
April 21, 1952.

Hon. PAT McCARRAN,
Chairman, Judiciary Committee,
United States Senate, Washington 25, D. C.

DEAR SENATOR: Private bill S. 1454, which I introduced for the relief of Walter Koelz, was indefinitely postponed by the Subcommittee on Immigration and Naturalization.

As you will remember, Walter Koelz is the only child of Lina and Gottlieb Koelz who entered this country from Germany in 1930. At the time they applied for their entrance visas they also had made application for a visa for their son Walter which was refused under section 3 of the Immigration Act of 1917. The precise grounds for the exclusion did not appear on the denied visa application, but it is understood that the reason was that Walter was classified either as a constitutional psychopathic inferior or as a feeble-minded person or in some category dealing with mental deficits.

The question that seemed to most concern the subcommittee when they previously considered the legislation which would provide for the waiver of the section 3 of the act of 1917, was why the family had delayed or postponed their desire to bring the boy into the country with them, for a period of nearly 20 years.

As I had previously pointed out, after the first denial of visa for Walter in 1930, the family again filed an application with the American consulate at Hamburg, Germany, on February 27, 1934, which was subsequently denied. This was prior to reaching his twenty-first birthday and he would have then been entitled to a nonquota status.

I need not remind you that Hitler came into power in Germany about that time and Germany subsequently went to war in Europe which made it virtually impossible for any nationalist to leave the country.

At the close of the war in 1945, the chaotic conditions that then existed in Germany forbade even an inquiry of permitting any nationalist to leave the country; and with the postwar years that followed, with the policy of granting preference to displaced persons, etc., it was not possible for the family to obtain official sanction for Walter to leave although the records will show that every effort was made in his behalf.

In the intervening years Walter was a well-behaved individual (who has never been involved in any public offenses) and attended grammar school. At the age of 15 he began his apprenticeship as a cabinetmaker, a trade he still follows.

He was conscripted into the German Army in March 1944 and was discharged in December 1944 because of a bladder condition—which I am now told is cleared up. Incidentally, I am also informed that his mental condition has never required medical treatment and his income has paid for his support in full.

Under no circumstances would he ever become a public charge if he were admitted to this country.

His father has a one-third partnership interest in the Laneko Engineering Co., Mascher Street and Glenwood Avenue, Philadelphia, manufacturers of tools and dies. This partnership interest, I am reliably informed, has a valuation in excess of \$50,000, which can be verified. In addition the parents have real and personal property valued in excess of \$50,000. Understandably, the parents have been and are greatly distressed over the separation from their only child over these many years, are anxious to have him with them, and would be willing and are able to post any reasonable bond or recognizance to save harmless any community against their son ever becoming a public charge.

I would therefore, appreciate it greatly if the bill were reconsidered by the subcommittee in the light of the information above stated.

Very sincerely,

EDWARD MARTIN.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1454) should be enacted.

